

A-760423/DNM

### **IN THE DRAWINGS**

The attached sheets of drawings include changes to Figures 2 and 5A. These sheets, which include Figures 1 and 5B, replace the original Figures 2 and 5A.

Attachment: Replacement Sheets 1/7 and 3/7, including Figures 1, 2 and 5A, 5B.

A-760423/DNM

**REMARKS**

This amendment is responsive to the Office Action mailed November 29, 2006. Claims 1-16 were pending prior to the outstanding Office Action. In the office action, the Examiner rejected Claims 1-16, and objected to Figures 2 and 5A of the drawings filed July 12, 2006. Replacement sheets in compliance with 37 CFR 1.84(c) showing corrections to Figures 2 and 5A are attached. This response amends claim 1 by rewriting as new claim 17, changing the dependency accordingly of claims 2-4, 6, 8, 15 and 16 and canceling claims 5, 7, 9-14 leaving for the Examiner's consideration the base claim 17 and those depending from it. Reconsideration of Claims now presented is respectfully requested.

**Claim Rejections – 35 USC § 112**

Claims 1-16 are rejected under 35 USC 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The newly presented claims overcome this ground of rejection by rewriting the claims, originally presently in the European idiomatic style and which were granted by the European Patent Office, in the customary US direct recitational style.

**Claim Rejections – 35 USC § 102**

Claims 1-13 and 16 are rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,755,472 to Clive-Smith. Applicant's earlier flat rack hinge of the

A-760423/DNM

'472 patent is of more traditional and relatively inflexible construction such as extensive use of metal castings which require a heavy investment in moulds. Compared to the fabricated hinge of the present invention as reflected in Claim 17, there is no disclosure of shared or integrated, shared or conjoined hinge and corner post structure. The hinge of the present invention is built-up or fabricated from multiple discrete elements, such as rolled bar stock or common available steel sections including "I" beams channels, "H" beams and the like. Thus each hinge element can be located in the situation to best resist the stresses imposed by inclined sling lifting. Here the bending forces are severe. Thus strength is supplied only where needed or justified without unnecessarily adding to overall bulk of the hinge structure.

Claim 17 can not be read upon applicants '472 patent and rejection upon section 102(b) grounds should be retracted, such action being respectfully requested.

### **Claim Rejections – 35 USC § 103**

Claims 14-15 are rejected under 35 USC 103(a) as being unpatentable over Clive-Smith in view of U.S. Patent No. 3,735,713 to Glassmeyer. The '713 patent shows a variable configuration freight transportation frame with some fabrication in construction, but not in the hinge design nor any sharing of structure between corner end post and hinge.

By way of background perspective, conventional flat rack hinge construction is cumbersome, heavy and uneconomic and given that folding support posts and end walls carried by such hinges are themselves heavy the combined weight penalty

A-760423/DNM

reduces payload and represents a hazard to manual operation. The problem becomes more acute with larger / longer / taller / higher payload / heavier flat racks.

As explained in the introduction to the specification, racking loads can become particularly acute, leading to lozenging of a container profile. Posts themselves suffer from the same problem of weight balanced with strength. In marked contrast, the present invention provides an 'intelligent' bespoke hinge construction which puts local strength and reinforcement only where needed, so distributing severe bending stresses around the pivot boss and pivot pin. A fabricated hinge construction is used for this purpose. This allows disposition of differential flange gauges upon a common intervening web, which itself may be of waisted or taper profile and continuation of an outer flange around, or to form an abutment with, a hinge pivot boss about an aperture in the base of the web.

Fabrication requires more discrete cutting and jointing process steps, but more judicious and cost-effective use of materials and reduction of machining after assembly. Thus, say, localized high-strength steels could be employed at stress concentration areas. Moreover, fabricated component parts could be mixed with forged or cast parts.

As the Examiner has recognized in the applied and background search art, the Applicant has a considerable track record in collapsible (folding end wall) flat rack construction and has previously explored hinge fabrication, but not taken to the sophisticated extent of the present invention, where the hinge itself contributes to

A-760423/DNM

mounted post bottom bracing and bending strength. In that regard, a reversal of convention is adopted by contriving the hinge to contribute to post strength, rather than relying upon a heavy duty post to brace a hinge.

Thus a laminated composite beam unification of hinge and post is achieved. The hinge cross-section can complement the post cross-section, including 'I' beam, 'U' or 'C' sections. Respective juxtaposed hinge and post elements can be overlaid for mutual bracing and to provide a generous joint area. Piecemeal discrete incremental replacement of parts is also feasible in the event of damage, rather than wastefully having to discard an entire hinge or post assembly.


All of the stated grounds of objection and rejection have been properly accommodated or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance and applicant requests a timely Notice of Allowance be issued. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

A-760423/DNM

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-2669 (Order No. A-760423/DNM).

Respectfully submitted,

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